

SENATE, NO. 2424

[Senate, May 10, 2010 – Text of the Senate amendment (Ways and Means) to the House Bill relative to municipal relief (House, No 4631).]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND TEN

AN ACT RELATIVE TO MUNICIPAL RELIEF.

Be it enacted by the Senate and House of Representatives in General Court assembled,

And by the authority of the same, as follows:

1 **SECTION 1.** Chapter 10 of the General Laws is hereby amended by inserting after
2 section 52 the following section:-

3 Section 52A. (a) The council shall establish criteria and guidelines for state-designated
4 cultural districts. A cultural district shall be a geographical area of a city or town with a
5 concentration of cultural facilities located within it. Cultural districts shall attract artists and
6 cultural enterprises to a community, encourage business and job development, establish tourist
7 destinations, preserve and reuse historic buildings, enhance property values and foster local
8 cultural development. The council shall assist a city or town if the city or town wishes to develop

9 or foster a cultural district. The council shall develop an application process, with specific
10 guidelines and criteria, for a city or town that wishes to develop or foster a cultural district.
11 Executive branch agencies, constitutional offices and quasi-governmental agencies shall identify
12 programs and services that support and enhance the development of cultural districts and ensure
13 that those programs and services are accessible to such districts. The council shall consult with
14 the Massachusetts historical commission in developing and establishing criteria and guidelines
15 regarding preservation and reuse of historic buildings.

16 (b) Notwithstanding any general or special law to the contrary, executive branch
17 agencies, constitutional offices, quasi-governmental agencies including, but not limited to, the
18 Massachusetts cultural council and historic preservation programs, shall review and revise
19 regulations and other economic development tools, including the evaluative criteria of such
20 programs, in order to support and encourage the development and success of state-designated
21 cultural districts.

22 **SECTION 2.** Section 1 of chapter 30B of the General Laws is hereby amended by
23 inserting after the word “section”, in line 6, as appearing in the 2008 Official Edition, the
24 following word:- 11C or section.

25 **SECTION 3.** Said section 1 of said chapter 30B is hereby further amended by inserting
26 after the word “commonwealth”, in line 12, as so appearing, the following words:- except as
27 pertains to subsection (i) of section 16.

28 **SECTION 4.** Said section 1 of said chapter 30B, as so appearing, is hereby further
29 amended by adding the following subsection:-

(f) This chapter shall be deemed to have been complied with on all purchases made from a vendor pursuant to a General Services Administration federal supply schedule that is available for use by governmental bodies.

SECTION 5. Section 2 of said chapter 30B is hereby further amended by inserting after the definition of “Contractor”, as so appearing, the following 2 definitions:-

“Cooperative purchasing”, procurement conducted by, or on behalf of, more than 1 public procurement unit or by a public procurement unit with an external procurement activity.

“Electronic bidding”, the electronic solicitation and receipt of offers to contract for supplies and services; provided, however, that offers may be accepted and contracts may be entered into by use of electronic bidding.

SECTION 6. Said section 2 of said chapter 30B is hereby further amended by inserting after the definition of “Employment agreement”, as so appearing, the following definition:-

“External procurement activity” means: (a) any public agency not located in this State which would qualify as a public procurement unit; (b) buying by the United States government.

SECTION 7. Said section 2 of said chapter 30B is hereby further amended by inserting after the definition of “Labor relations representative”, as so appearing, the following definition:-

“Local public procurement unit”, a political subdivision or unit thereof which expends public funds for the procurement of supplies.

SECTION 8. Said section 2 of said chapter 30B is hereby further amended by inserting after the definition of “Proposal”, as so appearing, the following definition:-

“Public procurement unit”, a local public procurement unit or a state public procurement unit.

52 **SECTION 9.** Said section 2 of said chapter 30B is hereby further amended by inserting
53 after the definition of “Request for proposals”, as so appearing, the following definition:-

54 “Reverse auction”, an internet-based process used to buy supplies and services whereby
55 the seller of the supplies or services being auctioned anonymously bid against each other until
56 time expires and until the governmental body determines from which sellers it will buy based on
57 the pricing obtained during the process.

58 **SECTION 10.** Said section 2 of said chapter 30B is hereby further amended by inserting
59 after the definition of “Services”, as so appearing, the following 2 definitions:-

60 “Sound business practices”, ensuring the receipt of favorable prices by periodically
61 soliciting price lists or quotes.

62 “State public procurement unit”, the offices of the chief procurement officers and any
63 other purchasing agency of the commonwealth or any other state.

64 **SECTION 11.** Section 4 of said chapter 30B, as so appearing, is hereby amended by
65 striking out, in line 24, the words “generally accepted” and inserting in place thereof the
66 following word:- sound.

67 **SECTION 12.** Said chapter 30B is hereby further amended by inserting after section 6
68 the following section:-

69 Section 6A. (a) A chief procurement officer may enter into procurement contracts for
70 \$25,000 or more utilizing reverse auctions for the acquisition of supplies and services. The
71 reverse auction process shall include a specification of an opening date and time when real-time
72 electronic bids shall be accepted and shall provide that the procedure shall remain open until the
73 designated closing date and time.

(b) All bids on reverse auctions shall be posted electronically on the internet, updated on a real-time basis, and shall allow registered bidders to lower the price of their bid below the lowest bid on the internet.

(c) The chief procurement officer shall require vendors to register before the reverse auction opening date and time and, as part of the registration, agree to any terms and conditions and other requirements of the solicitation.

(d) Any mechanism including, but not limited to, software, developed by the operational services division to conduct reverse auctions by the commonwealth, shall provide for the utilization of that mechanism by municipalities.

(e) The operational services division may assess a municipality utilizing the reverse auction mechanism a reasonable fee, calculated to compensate for any increased cost attributable to such utilization, which shall be credited to the General Fund.

(f) Reverse auctions shall not be subject to clause (1) of subsection (b) or subsection (d) of section 5 but shall be subject to all other provisions of said section 5.

SECTION 13. Said chapter 30B is hereby further amended by adding the following section:-

Section 22. A public procurement unit may participate in, sponsor, conduct or administer a cooperative purchasing agreement for the procurement of supplies with public procurement units or external procurement activities in accordance with an agreement entered into between the participants. The public procurement unit conducting the procurement of supplies shall do so in a manner that constitutes a full and open competition.

95 **SECTION 14.** The definition of “Regular compensation” in section 1 of chapter 32 of
96 the General Laws, as amended by section 2 of chapter 21 of the acts of 2009, is hereby further
97 amended by inserting after the second paragraph the following paragraph:-

98 Notwithstanding any provision of this chapter to the contrary, regular compensation for
99 any person who becomes a member after July 1, 2010, shall not include salary, wages or other
100 compensation in whatever form in any calendar year in excess of 64 per cent of the annual
101 limitation that may be imposed under federal law on the amount of compensation that may be
102 taken into account when calculating benefits under plans described in 26 U.S.C. 401(a)
103 including, but not limited to, the applicable limits for any calendar year under 26 U.S.C.
104 401(a)(17).

105 **SECTION 15.** Said section 1 of said chapter 32 is hereby further amended by striking
106 out, in line 488, as appearing in the 2008 Official Edition, the word “may” and inserting in place
107 thereof the following word:- shall.

108 **SECTION 16.** Section 3 of said chapter 32, as so appearing, is hereby amended by
109 adding the following subdivision:-

110 (9) Notwithstanding any provision of this chapter to the contrary, a member who is
111 reinstated to or re-enters the active service of a governmental unit or who is eligible to receive
112 credit for other service under this section and does not within 1 year of the date of reinstatement
113 or re-entry either: (i) pay into the annuity savings fund of the system make-up payments of an
114 amount equal to the accumulated regular deductions withdrawn by the member, together with
115 buyback interest; or (ii) make provision for the repayment in installments, upon such terms and
116 conditions as the board may prescribe, to pay into the annuity savings fund of the system make-

up payments of an amount equal to the accumulated regular deductions withdrawn by the member, together with buyback interest shall, in order to be entitled to creditable service resulting from the previous employment, be required to pay actuarial assumed interest instead of buyback interest on all make-up payments.

SECTION 17. Section 5 of said chapter 32 is hereby amended by inserting after the word “service”, in line 38, as appearing in the 2008 Official Edition, the following words:- , together with buyback interest, and shall satisfy the requirements for reinstatement under section 105.

SECTION 18. Paragraph (a) of subdivision (2) of said section 5 of chapter 32, as so appearing, is hereby amended by adding the following sentence:- The retirement allowance for members who have served in more than 1 group shall be prorated by applying the percentage for each group to the number of years of service in that group.

SECTION 19. Said subdivision (2) of said section 5 of chapter 32, as amended by section 7 of chapter 21 of the acts of 2009, is hereby further amended by inserting after paragraph (e) the following paragraph:-

(f) In calculating the average annual rate of regular compensation for purposes of this section, regular compensation in any year shall not include regular compensation that exceeds the average of regular compensation received in the 2 preceding years by more than 7 per cent, plus an increase determined by the increase in the United States Consumer Price Index for the preceding 2 years, as reported by the actuary under paragraph (f) of subdivision (3) of section 21. This paragraph shall not apply to an increase in the annual rate of regular compensation that

results from an increase in hours of employment or a change in position that is determined by the board to be bona fide.

SECTION 20. Subdivision (2) of section 10 of said chapter 32, as most recently amended by section 13 of said chapter 21, is hereby further amended by striking out paragraph (a).

SECTION 21. Paragraph (f) of subdivision (3) of section 21 of said chapter 32, as appearing in the 2008 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

An actuarial valuation of each system shall be conducted biennially and experience investigations shall be conducted every 6 years. Actuarial valuation reports and experience studies shall be conducted in such manner as the commissioner of administration, upon advice of the actuary, shall consider appropriate.

SECTION 22. The first paragraph of subdivision (1) of section 22D of said chapter 32 is hereby further amended by inserting after the first sentence, as so appearing, the following sentence:- A funding schedule established under this section shall provide that the payment in any year of the schedule is not less than 95 per cent of the amount appropriated in the previous fiscal year.

SECTION 23. Said chapter 32 is hereby further amended by inserting after section 22E the following section:-

Section 22F. (a) A system, other than the state employees' retirement system and the teachers' retirement system, which conducts an actuarial valuation of the retirement system as of January 1, 2009, or later, may establish a revised retirement system funding schedule, subject to the approval of the actuary, which reduces the unfunded actuarial liability of the system to zero

not later than June 30, 2040, as long as: (1) the payment in a year under the revised schedule or a subsequent schedule is not less than the payment in a prior fiscal year under the then current schedule until the system is fully funded; and (2) the increase in the amortization component of the appropriations required by the schedule from year to year does not exceed 4 per cent and so designed that the funding schedule and any updates to it reduce the unfunded actuarial liability of the system to zero on or before June 30, 2040.

(b) If an updated actuarial valuation allows for the development of a revised schedule with reduced payments, the revised schedule shall be adjusted to reduce the unfunded liability of the system to zero by an earlier date to the extent required to ensure that the appropriation required for a particular year under the new schedule shall not be less than the amount identified for that year under the prior schedule established under this section.

(c) If a schedule established under this section would result in an appropriation in the first fiscal year of the schedule that is greater than 8 per cent more than the appropriation in the previous fiscal year, the requirement of clause (2) of subsection (a) may be adjusted with the approval of the public employee retirement administration commission.

SECTION 24. Section 65D of said chapter 32, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word “office,” in line 5, the following words:- and a chief justice or an associate justice of the supreme judicial court.

SECTION 25. Said chapter 32 is hereby further amended by adding the following section:-

Section 106. For any proposed legislation that provides specific retirement benefits to named individuals that are beyond the benefits available under the General Laws, the following information shall be submitted to the joint committee on public service upon request: (a) an

analysis of the cost of the legislation and the basis for granting the exemption; (b) a confirmation of the cost analysis from the public employee retirement administration commission; and (c) a recommendation from the board.

SECTION 26. Chapter 32B of the General Laws is hereby amended by inserting after section 9A the following section:-

Section 9A1/2. Whenever a retired employee or beneficiary receives a healthcare premium contribution from a governmental unit in a case where a portion of the retiree's creditable service is attributable to service in 1 or more other governmental units, the first governmental unit shall be reimbursed in full, in accordance with this paragraph, by the other governmental units for the portion of the premium contributions that corresponds to the percentage of the retiree's creditable service that is attributable to each governmental unit. The other governmental units shall be charged based on their own contribution rate or the contribution rate of the first employer, whichever is lower.

The treasurer of the first governmental unit shall annually, on or before January 15, upon the certification of the board of the system from which the disbursements have been made, notify the treasurer of the other governmental unit of the amount of reimbursement due for the previous fiscal year and the treasurer of the other governmental unit shall immediately take all necessary steps to insure prompt payment of this amount. In default of any such payment, the first governmental unit may maintain an action of contract to recover the same, but there shall be no such reimbursement if the 2 systems involved are the state employees' retirement system and the teachers' retirement system.

SECTION 27. Section 11A of said chapter 32B, as appearing in the 2008 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Each employee insured for the minimum amounts of group life and group accidental death and dismemberment insurance provided in section 5, subject to such conditions as the appropriate public authority shall approve, may be insured for amounts of group life insurance and group accidental death and dismemberment insurance in addition to the minimum amounts provided for in said section 5 in an amount not greater than \$150,000.

SECTION 28. Said section 11A of said chapter 32B, as so appearing, is hereby further amended by striking out, in line 60, the words “outlined in the above schedule”.

SECTION 29. Section 10 of chapter 39 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

After written application by the board of selectmen, the state secretary may validate or ratify a town meeting, town election and actions taken pursuant to the town meeting or town election, if the secretary determines that inadvertent failure to comply with the procedural requirements of this chapter or of a town by-law or charter did not contradict the fundamental purposes of those procedural requirements and was unlikely to affect the outcome of the town election or town meeting. The state secretary may adopt regulations to carry out this paragraph.

SECTION 30. Section 3 of chapter 40 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the word "ten" and inserting in place thereof the following figure:- 30.

SECTION 31. The second paragraph of section 4A of said chapter 40, as so appearing, is hereby amended by adding the following sentence:- A decision to enter into an intermunicipal

agreement under this section, or to join a regional entity, shall not be subject to collective bargaining under chapter 150E.

SECTION 32. Said chapter 40 is hereby further amended by inserting after section 4E the following section:-

Section 4E1/2. (a) Notwithstanding any general or special law to the contrary, for the benefit of their school programs, education collaboratives, as described in section 4E, may make purchases from a vendor's contract that has been competitively procured by another state or political subdivision or a public entity thereof for the items being purchased.

(b) The inspector general shall review the process by which education collaboratives make out-of-state collective purchases. Education collaboratives participating in out-of-state collective purchasing shall submit biannually the following summary information to the office of the inspector general:

- (1) the entity from which the purchase was made and, if the purchase was from a state, political subdivision or a public entity of another state, how the collaborative was informed whether the out-of-state entity was a political subdivision or a public entity;
- (2) a full and complete description of the items purchased; and
- (3) documentation of savings obtained, with relevant Massachusetts cost comparisons.

SECTION 33. Said chapter 40 is hereby further amended by inserting after section 4I the following 2 sections:-

Section 4J. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

"Agency", the Massachusetts emergency management agency.

"Agreement", the statewide public safety mutual aid agreement established in subsection (b).

"Authorized representative", in the case of a city or town, the mayor, city manager, town manager, town administrator, executive secretary, police chief or on-duty shift commander of the police department, fire chief or on-duty shift commander of the fire department, health director or chairperson of the board of health and the emergency management director and, in the case of a governmental unit that is not a city or town, the chief executive officer or his designee.

"Employee", a person employed full time or part time by a governmental unit, a volunteer officially operating under a governmental unit, or a person contractually providing services to a governmental unit.

"Governmental unit", a city, town, county, regional transit authority established under chapter 161B, water or sewer commission or district established under chapter 40N or by special law, fire district, regional health district established under chapter 111, a regional school district or a law enforcement council.

"Incident command system", the standardized national incident management system that establishes an on-scene management system of procedures for controlling personnel, facilities, equipment and communications from different agencies at the scene of an emergency or other event for which mutual aid assistance is provided.

"Law enforcement council", a nonprofit corporation comprised of municipal police chiefs and other law enforcement agencies established to provide: (i) mutual aid to its members pursuant to mutual aid agreements; (ii) mutual aid or requisitions for aid to non-members consistent with section 8G of this chapter or section 99 of chapter 41; and (iii) enhanced public safety by otherwise sharing resources and personnel.

"Mutual aid assistance", the cross-jurisdictional provision of emergency services, materials or facilities from 1 party to another when existing resources are, or may be, inadequate.

"Party", a governmental unit that has joined the agreement.

"Public safety incident", an event, emergency or natural or man-made disaster, that threatens or causes harm to public health, safety or welfare and that exceeds, or reasonably may be expected to exceed, the response or recovery capabilities of a governmental unit including, but not limited to, a technological hazard, planned event, civil unrest, health-related event and an emergency, act of terrorism and training and exercise that tests and simulates the ability to manage, respond to or recover from any such event.

"Requesting party", a party that requests aid or assistance from another party pursuant to the agreement.

"Sending party", a party that renders aid or assistance to another party under the agreement.

(b) There shall be a statewide public safety mutual aid agreement to create a framework for the provision of mutual aid assistance among the parties to the agreement in the case of a public safety incident. The assistance to be provided under the agreement shall include, but not be limited to, fire service, law enforcement, emergency medical services, transportation, communications, public works, engineering, building inspection, planning and information assistance, resource support, public health, health and medical services, search and rescue assistance and any other resource, equipment or personnel that a party to the agreement may request or provide in anticipation of, or in response to, a public safety incident.

(c) (1) If a city or town wishes to join the agreement, the mayor in the case of a city, the city manager in the case of a Plan D or Plan E city, or the town manager, town administrator or

chairman of the board of selectmen with the approval of the board of selectmen, may act on behalf of the city or town to join the agreement by notifying the director of the agency in writing. The municipality shall be a party to the agreement 30 days after receipt by the agency of the written notification.

(2) A city or town that has joined the agreement may opt out of the agreement in the same manner as provided for joining the agreement and by notifying the agency in writing of its intention to opt out. The removal of the municipality from the agreement shall take effect 10 days after receipt by the agency of the written notification.

(3) If a governmental unit that is not a city or town wishes to join the agreement, the chief executive officer of the governmental unit may act on its behalf to join the agreement by notifying the director of the agency in writing. The governmental unit shall be a party to the agreement 30 days after receipt by the agency of the written notification.

(4) If a governmental unit that is not a city or town has joined the agreement but wishes to opt out of the agreement, the chief executive officer of the governmental unit may act on its behalf to opt out of the agreement by notifying the agency in writing. The removal of the municipality from the agreement shall take effect 10 days after receipt by the agency of the written notification.

(d)(1) A request by a party to receive mutual aid assistance under the agreement shall be made, either orally or in writing, by an authorized representative of the requesting party and shall be communicated to an authorized representative of the sending party or to the agency; provided, however, that if the request is communicated orally, the requesting party shall reduce the request to writing and deliver it to the sending party or to the agency at the earliest possible date, but not

318 later than 72 hours after making the oral request. A party to the agreement may request mutual
319 aid assistance during, in anticipation of or as a result of a public safety incident.

320 (2) An oral or written request for mutual aid assistance under the agreement shall include
321 the following information:

322 (i) a description of the public safety incident;

323 (ii) the nature, type and amount of personnel, equipment, materials, supplies or other
324 resources being requested;

325 (iii) the manner in which the resources shall be used and deployed;

326 (iv) a reasonable estimate of the length of time for which the resources shall be needed;

327 (v) the location to which the resources shall be deployed; and

328 (vi) the requesting party's point of contact.

329 (3) A party that receives a request for mutual aid assistance shall provide and make
330 available, to the extent reasonable and practicable under the circumstances, the resources
331 requested; provided, however, that a sending party may withhold requested resources to the
332 extent necessary to provide reasonable protection and coverage for its own jurisdiction.

333 (e) The requesting party shall be responsible for the overall operation, assignment and
334 deployment of resources and personnel provided by a sending party consistent with the incident
335 command system. The sending party shall retain direct supervision, command and control of
336 personnel, equipment and resources provided by the sending party unless otherwise agreed to by
337 the requesting party and the sending party. During the course of rendering mutual aid assistance
338 under the agreement, the sending party shall be responsible for the operation of its equipment
339 and for any damage thereto unless the sending party and the requesting party agree otherwise.

(f)(1) All expenses incurred by the sending party in rendering mutual aid assistance pursuant to the agreement shall be paid by the sending party; provided, however, that a requesting party and a sending party may enter into supplementary agreements for reimbursement of costs associated with providing mutual aid assistance incurred by a sending party.

(2) A sending party shall document its costs of providing mutual aid assistance under the agreement, including direct and indirect payroll and employee benefit costs, travel costs, repair costs and the costs of materials and supplies. A sending party shall also document the use of its equipment and the quantities of materials and supplies used while providing mutual aid assistance under the agreement.

(3) Except as otherwise agreed to by the parties, the requesting party shall seek reimbursement under any applicable federal and state disaster assistance programs for the costs of responding to the public safety incident. The requesting party and each sending party shall receive, based on the documented costs of providing mutual aid assistance, its pro rata share of the disaster assistance reimbursement provided to the requesting party.

(g) While providing mutual aid assistance under the agreement, employees of a sending party shall: (i) be afforded the same powers, duties, rights and privileges as they are afforded in the sending party's geographical jurisdiction or location; and (ii) receive the same salary, including overtime, that they would be entitled to receive if they were operating in their own governmental unit. In the absence of an agreement to the contrary, the sending party shall be responsible for all such salary expenses, including overtime.

(h)(1) While in transit to, returning from and providing mutual aid assistance under the agreement, employees of a sending party shall have the same rights of defense, immunity and

indemnification that they otherwise would have under the law if they were acting within the scope of their employment under the direction of their employer. A sending party shall provide to, and maintain for, each of its employees who provide mutual aid assistance under the agreement the same indemnification, defense, right to immunity, employee benefits, death benefits, workers' compensation or similar protection and insurance coverage that would be provided to those employees if they were performing similar services in the sending party's jurisdiction.

(2) Each party to the agreement shall waive all claims and causes of action against all each other party to the agreement that may arise out of their activities while rendering or receiving mutual aid assistance under the agreement, including travel outside of its jurisdiction.

(3) Each requesting party shall defend, indemnify and hold harmless each sending party from all claims by third parties for property damage or personal injury which may arise out of the activities of the sending party or its employees, including travel, while providing mutual aid assistance under the agreement.

(i) This section shall not affect, supersede or invalidate any other statutory or contractual mutual aid or assistance agreements involving parties to the agreement including, but not limited to, those established pursuant to section 4A or 8G. A party may enter into supplementary mutual aid agreements with other parties or jurisdictions.

Section 4K. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Advisory committee”, the statewide public works municipal mutual aid advisory committee established in subsection (d).

385 “Agreement”, the statewide public works municipal mutual aid agreement established in
386 subsection (b).

387 “Employee”, a person employed full or part time by a governmental unit, a volunteer
388 officially operating under a governmental unit, or a person contractually providing services to a
389 governmental unit.

390 “Governmental unit”, a city, town, county or district, however constituted, or water or
391 sewer commission established under the provisions of chapter 40N or any other general or
392 special law.

393 “Mutual aid assistance”, cross-jurisdictional provision of services, materials or facilities
394 from 1 party to another when existing resources are, or may be, inadequate.

395 “Party”, a governmental unit that has joined the agreement.

396 “Public works incident”, a foreseeable or unforeseeable event, emergency or natural or
397 manmade disaster that affects or threatens to affect the public works operations of a
398 governmental unit.

399 "Requesting party", a party that requests aid or assistance from another party pursuant to
400 the agreement.

401 "Sending party", a party that renders aid or assistance to another party under the
402 agreement.

403 (b) There shall be a statewide public works municipal mutual aid agreement to facilitate
404 the provision of public works resources across jurisdictional lines in the case of a public works
405 incident that requires mutual aid assistance from 1 or more municipalities. The mutual aid
406 assistance to be provided under the agreement shall include, but not be limited to, services

related to public works, personnel, equipment, supplies and facilities to prepare for, prevent, mitigate, respond to and recover from public works incidents.

(c) (1) If a city or town wishes to join the agreement, the mayor in the case of a city, the city manager in the case of a Plan D or Plan E city, or the town manager, town administrator or chair of the board of selectmen upon approval by a majority vote of the board of selectmen, may act on behalf of the city or town to join the agreement by notifying the advisory committee in writing. The municipality shall be a party to the agreement 30 days after receipt by the advisory committee of the written notification.

(2) If a city or town has joined the agreement but wishes to opt out of the agreement, the mayor in the case of a city, the city manager in the case of a Plan D or Plan E city, or the town manager, town administrator or chair of the board of selectmen upon approval by a majority vote of the board of selectmen in the case of a town, may act on behalf of the city or town to opt out of the agreement by notifying the advisory committee in writing. The removal of the municipality from the agreement shall take effect 10 days after receipt by the advisory committee of the written notification.

(3) If a governmental unit that is not a city or town wishes to join the agreement, the chief executive officer of the governmental unit may act on its behalf to join the agreement by notifying the advisory committee in writing. The governmental unit shall be a party to the agreement 30 days after receipt by the advisory committee of the written notification.

(4) If a governmental unit that is not a city or town has joined the agreement but wishes to opt out of the agreement, the chief executive officer of the governmental unit may act on its behalf to opt out of the agreement by notifying the advisory committee in writing. The removal

of the governmental unit that is not a city or town from the agreement shall take effect 10 days after receipt by the advisory committee of the written notification.

(5) If a governmental unit in a state contiguous to the commonwealth wishes to join the agreement, the governmental unit may join the agreement by notifying the advisory committee in writing. The governmental unit shall be a party to the agreement 30 days after receipt by the advisory committee of the written notification.

(6) If a governmental unit in a state contiguous to the commonwealth has joined the agreement but wishes to opt out of the agreement, the governmental unit may opt out of the agreement by notifying the advisory committee in writing. The removal of the governmental unit from the agreement shall take effect 10 days after receipt by the advisory committee of the written notification.

(d) There shall be a statewide public works municipal mutual aid advisory committee to consist of the secretary of public safety and security or his designee, who shall serve as chair of the committee; and 1 member appointed by the secretary of public safety and security from each of the following: the Massachusetts Highway Association; the New England Chapter of the American Public Works Association, who shall be a resident of the commonwealth; the New England Water Environment Association, who shall be a resident of the commonwealth; the Massachusetts Tree Wardens' and Foresters' Association; the Massachusetts Water Works Association; and the Massachusetts Municipal Association.

The advisory committee shall develop procedural plans, protocols and programs for intrastate and interstate cooperation to be used by public works agencies in response to a public works incident. The advisory committee shall be responsible for the administration and coordination of the statewide mutual aid agreement. The advisory committee shall develop and

make available to parties forms to facilitate requests for aid, including a form to track the movement of public works equipment and personnel.

(e) Each party shall identify not more than 3 points of contact to serve as the primary liaison for all issues relating to the agreement.

(f)(1) A request by a party to receive mutual aid assistance shall be made, either orally or in writing, by the chief executive officer of the requesting party or by 1 of its designated points of contact and shall be communicated to the chief executive officer or 1 its designated points of contact from the sending party; provided, however, that if the request is communicated orally, the requesting party shall reduce the request to writing and deliver it to the sending party at the earliest possible date, but not later than 72 hours after making the oral request. (2) A requesting party may request the assistance of 1 or more parties to assist with or manage a public works incident, including recovery-related exercises, testing or training.

(2) An oral or written request for mutual aid assistance under the agreement shall include the following information:

(i) a description of the public works incident response and recovery functions for which assistance is needed;

(ii) the nature, type and amount of public works services, personnel, equipment, materials, supplies or other resources being requested;

(iii) the manner in which the resources shall be used and deployed;

(iv) a reasonable estimate of the length of time for which the resources shall be needed;

(v) the location to which the resources shall be deployed; and

(vi) the requesting party's point of contact.

(3) A party that receives a request for mutual aid assistance shall provide and make available, to the extent reasonable and practicable under the circumstances the resources requested by the requesting party; provided, however, that a sending party may withhold requested resources to the extent necessary to provide reasonable protection and coverage for its own jurisdiction.

(g) The requesting party shall be responsible for the overall operation, assignment and deployment of resources, equipment and personnel provided by a sending party. The sending party shall retain direct supervision, command and control of personnel, equipment and resources provided by the sending party unless otherwise agreed to by the requesting party and the sending party. During the course of rendering mutual aid assistance under the agreement, the sending party shall be responsible for the operation of its equipment and for any damage thereto unless the sending party and the requesting party agree otherwise.

(h)(1) All expenses incurred by the sending party in rendering mutual aid assistance pursuant to the agreement shall be paid by the sending party; provided, however, that a requesting party and a sending party may enter into supplementary agreements for reimbursement of costs associated with providing mutual aid assistance incurred by a sending party.

(2) A sending party shall document its costs of providing mutual aid assistance under the agreement, including direct and indirect payroll and employee benefit costs, travel costs, repair costs and the costs of materials and supplies. A sending party shall also document the use of its equipment and the quantities of materials and supplies used while providing mutual aid assistance under the agreement.

496 (3) Except as otherwise agreed to by the parties, the requesting party shall seek
497 reimbursement under any applicable federal and state disaster assistance programs for the costs
498 of responding to the public works incident. The requesting party and each sending party shall
499 receive, based on the documented costs of providing mutual aid assistance, its pro rata share of
500 the disaster assistance reimbursement provided to the requesting party.

501 (4) While providing mutual aid assistance under the agreement, employees of a sending
502 party shall: (i) be afforded the same powers, duties, rights and privileges as they are afforded in
503 the sending party's geographical jurisdiction or location; (ii) be considered similarly licensed,
504 certified or permitted in the requesting party's jurisdiction if the employee holds a valid license,
505 certificate or permit issued by the employee's governmental unit; and (iii) receive the same
506 salary, including overtime, that they would be entitled to receive if they were operating in their
507 own governmental unit. In the absence of an agreement to the contrary, the sending party shall
508 be responsible for all such salary expenses, including overtime.

509 (j)(1) While in transit to, returning from and providing mutual aid assistance under the
510 agreement, employees of a sending party shall have the same rights of defense, immunity and
511 indemnification that they otherwise would have under the law if they were acting within the
512 scope of their employment under the direction of their employer. A sending party shall provide
513 to, and maintain for, each of its employees who provide mutual aid assistance under the
514 agreement the same indemnification, defense, right to immunity, employee benefits, death
515 benefits, workers' compensation or similar protection and insurance coverage that would be
516 provided to those employees if they were performing similar services in the sending party's
517 jurisdiction.

(2) Each party to the agreement shall waive all claims and causes of action against all other parties that may arise out of their activities while rendering or receiving mutual aid assistance under the agreement, including travel outside of its jurisdiction.

(3) Each requesting party shall defend, indemnify and hold harmless each sending party from all claims by third parties for property damage or personal injury which may arise out of the activities of the sending party or its employees, including travel, while providing mutual aid assistance under the agreement.

(4) All equipment requested and deployed pursuant to the statewide municipal mutual assistance agreement shall be insured by the sending party.

(k) This section shall not affect, supersede or invalidate any other statutory or contractual mutual aid or assistance agreements involving parties to the agreement including, but not limited to, those established pursuant to section 4A. A party may enter into supplementary mutual aid agreements with other parties or jurisdictions.

SECTION 34. Section 56 of said chapter 40, as appearing in the 2008 Official Edition, is hereby amended by adding the following paragraph:-

Notwithstanding the first paragraph, the commissioner may, from time to time, issue a revised schedule for the year in which the commissioner shall certify whether the board of assessors is assessing property at full and fair cash valuation. After the schedule is issued, a city or town may classify in the manner set forth in this section for any year before the next year of certification established in the schedule for the city or town. In arranging the schedule, the commissioner shall, so far as practicable and appropriate, consider at least the following goals: balancing the number of certification reviews conducted in each year of the triennial period; facilitating and implementing joint or cooperative assessing agreements or districts; assisting the

boards of assessors to comply with minimum standards of assessment performance established under section 1 of chapter 58; and producing uniformity in the valuation, classification and assessment of property within each city or town and throughout the commonwealth.

SECTION 35. Chapter 41 of the General Laws is hereby amended by striking out section 30B, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 30B. (a) Notwithstanding any general or special law or municipal charter, vote, by-law or ordinance, 2 or more cities and towns, by vote of their legislative bodies, may enter into an agreement, for a term not to exceed 25 years, for joint or cooperative assessing, classification and valuation of property. The agreement shall provide for:

(1) the division, merger or consolidation of administrative functions between or among the parties or the performances thereof by 1 city or town on behalf of all the parties;

(2) the financing of the joint or cooperative undertaking;

(3) the rights and responsibilities of the parties with respect to the direction and supervision of the work to be performed and with respect to the administration of the assessing office, including the receipt and disbursement of funds, the maintenance of accounts and records and the auditing of accounts;

(4) annual reports of the assessor to the constituent parties;

(5) the duration of the agreement and procedures for amendment, withdrawal or termination thereof; and

(6) any other necessary or appropriate matter.

(b) An agreement under this section may also provide for the formation of a single assessing department for the purpose of employing assistant assessors and necessary staff and for

performing all administrative functions. An agreement may also vest in 1 person, the board of assessors of 1 of the parties or a regional board of assessors comprised of at least 1 representative from each of the parties and selected in the manner set forth in the agreement all of the powers and duties of the boards of assessors and assessing departments of the parties. In that case, the existing boards of assessors of the other parties, or of all the parties if their assessors' powers and duties are vested in 1 person, shall terminate in accordance with section 2 for the duration of the agreement. Unless the agreement provides for the board of assessors of 1 of the parties to serve as the assessors for all of the parties, or for 1 city or town to act on behalf of all parties, the agreement shall designate an appointing authority representing all of the parties. That appointing authority shall be responsible for the appointment of an assessor, assistant assessors, and other staff, and, in the case of withdrawal or termination of the agreement, shall determine the employment of any employee of 1 of the parties that became part of a single assessing department. Subject to the rules and regulations established by the commissioner of revenue pursuant to section 1 of chapter 58, the agreement shall provide for qualifications, terms and conditions of employment for the assessor and employees of the assessor's office. The agreement may provide for inclusion of the assessor and the assessor's employees in insurance, retirement programs and other benefit programs of 1 of the constituent parties, but all parties to the agreement shall be pay a proportionate share of the current and future costs of benefits associated with the appointment or employment of all persons performing services for them during the duration of the agreement. A city or town party to such an agreement shall include employees under the joint assessing agreement in such programs in accordance with the terms of the agreement.

(c) A city or town may become a party to an existing agreement with the approval of the other parties.

(d) No agreement or amendment to an agreement for joint or cooperative assessing made pursuant to this section shall take effect until it has been approved in writing by the commissioner of revenue.

SECTION 36. Section 7 of chapter 44 of the General Laws, as so appearing, is hereby amended by inserting after the word “specified”, in line 3, the following words:- or, except for clauses (3C), (11), (16), (18), (19), (21) and (22), within such longer period not to exceed 30 years based upon the maximum useful life of the public work, improvement or asset being financed, as determined in accordance with guidelines established by the division of local services within the department of revenue.

SECTION 37. The first paragraph of said section 7 of said chapter 44, as so appearing, is hereby amended by inserting after clause (3B) the following clause:-

(3C) For a revolving loan fund established under section 53E¾ to assist in the development of renewable energy and energy conservation projects on privately-held buildings, property or facilities within the city or town, 20 years.

SECTION 38. Said first paragraph of said section 7 of said chapter 44, as so appearing, is hereby further amended by striking out clause (9) and inserting in place thereof the following clause:-

(9) For the cost of equipment, 5 years.

SECTION 39. Said first paragraph of said section 7 of said chapter 44, as so appearing, is hereby further amended by inserting after clause (17) the following clause:-

(17A) For dredging of tidal and nontidal rivers and streams, harbors, channels and tidewaters, 10 years.

SECTION 40. Said first paragraph of said section 7 of said chapter 44, as so appearing, is hereby further amended by adding following clause:-

(32) For the cost of cleaning up or preventing pollution caused by existing or closed municipal facilities not referenced in clause (21) of section 8, including cleanup or prevention activities taken pursuant to chapter 21E or chapter 21H, 10 years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to and approved by the department of environmental.

SECTION 41. Section 8 of said chapter 44, as so appearing, is hereby amended by inserting after the word “specified”, in line 3, the following words:- or except with respect to clauses (1), (2), (3A), (5), (6), (7), (9) and (19), within such longer period not to exceed 30 years based upon the maximum useful life of the public work, improvement or asset being financed, as determined in accordance with guidelines established by the division of local services within the department of revenue.

SECTION 42. Section 26 of said chapter 44 is hereby repealed.

SECTION 43. Said chapter 44 is hereby further amended by inserting after section 53E½ the following section:-

Section 53E¾. (a) Notwithstanding any provision of section 53 to the contrary, a city or town may establish an Energy Revolving Loan Fund to provide loans to owners of privately-held real property in the city or town for energy conservation and renewable energy projects on their properties so as to prioritize energy efficiency as the first step toward reducing greenhouse gas emissions associated with buildings.

(b) The fund shall be established by ordinance or by-law. Before adoption of the ordinance or by-law, the board of selectmen, town council or the city council, as the case may be, shall conduct a public hearing on the question of its adoption. The ordinance or by-law shall designate an administrator for the fund and may provide for rules, regulations and procedures for administration of the fund and eligibility for loans the city or town considers necessary or proper to carry out this section. The administrator may consult with the division of green communities established in section 10 of chapter 25A in developing such regulations, rules and procedures for administration of the fund. The fund administrator may be a board, department or officer, or may consist of 1 or more members from 1 or more boards, departments or officers, of the city or town. A city or town which is a member of a regional planning commission may enter into a cooperative agreement with that commission to perform as administrator for the fund.

(c) As authorized by section 4A of chapter 40, 2 or more municipalities may, in a city by vote of the city council, or in a town by vote of the board of selectmen, enter into an agreement to jointly establish and administer a common fund.

(d) The fund administrator shall have the following powers and duties:

(1) to make loans to owners of real property to finance or refinance the costs of energy conservation and renewable energy projects on their properties; provided, however, that no loan shall be made unless an energy audit of the property has been conducted and any energy conservation measures established by the fund administrator for participation in the program have been implemented;

(2) to execute and deliver on behalf of the city or town all loan agreements and other instruments necessary or proper to make the loan and secure its repayment;

(3) to record the notice of the agreement required by subsection (f) and any other loan instruments;

(4) to apply for and accept grants or gifts for purposes of the fund; and

(5) to exercise any other powers or perform any other duties that the city or town may grant by ordinance or by-law to carry out this section.

(e) The city or town treasurer shall be the custodian of the fund, which shall be maintained as a separate account and into which shall be deposited:

(1) all monies appropriated and all proceeds from bonds issued under clause (3C) of the first paragraph of section 7 for purpose of providing loans to private property owners for energy conservation and renewable energy projects;

(2) all funds received from the commonwealth or any other source for those purposes;

(3) all repayments of the loans made by property owners under this section and any reserve or other required payments made by the owners in connection with the loans; and

(4) any other amounts required to be credited to the fund by any law.

The city or town treasurer may invest the monies in the manner authorized in section 55 and any interest earned thereon shall be credited to and become part of the fund.

The city or town treasurer shall, not later than June 30 of each year, certify in writing to the fund administrator and auditor or similar officer in cities or the town accountant in towns having a town accountant, the principal and interest due in the next fiscal year on any bonds issued under clause (3C) of the first paragraph of section 7 and not otherwise provided for, and the amount certified shall be reserved for payment of that debt service without further appropriation. Loans may be made from the fund by the fund administrator without further appropriation, subject to this section; provided, however, that no loans shall be made or liabilities

676 incurred in excess of the unreserved fund balance and unless approved in accordance with
677 sections 52 and 56 of chapter 41.

678 (f) Whenever a city or town enters into a loan agreement with a property owner under this
679 section, a notice of the agreement shall be recorded as a betterment and shall be subject to the
680 chapter 80 relative to the apportionment, division, reassessment and collection of assessment,
681 abatement and collections of assessments, and to interest; provided, however, that for purposes
682 of this section, the lien shall take effect by operation of law on the day immediately following the
683 due date of the assessment or apportioned part of the assessment and the assessment may bear
684 interest at a rate determined by the city or town treasurer by agreement with the owner at the
685 time the agreement is entered into between the city or town and the property owner. In addition
686 to remedies available under said chapter 80, the property owner shall be personally liable for the
687 repayment of the total costs incurred by the city or town under this section; provided, however,
688 that upon assumption of the personal obligation by a purchaser or other transferee of all of the
689 original owner's interest in the property at the time of conveyance and the recording of the
690 assumption, the owner shall be relieved of the personal liability.

691 A betterment loan agreement between an owner and a city or town under this section
692 shall not be considered a breach of limitation or prohibition contained in a note, mortgage or
693 contract on the transfer of an interest in property.

694 Notwithstanding any provision of chapter 183A to the contrary, the organization of unit
695 owners of a condominium may enter into a betterment loan agreement under this section to
696 finance an energy conservation and renewable energy project provided that the project comprises
697 part of the common areas and facilities. Such agreement shall: (i) be approved by a majority of
698 the unit owners benefited by the project; (ii) include an identification of the units and unit owners

subject to the agreement and the percentages, as set forth in the master deed, of the undivided interests of the respective units in the common area and facilities; and (iii) include a statement by an officer or trustee of the organization of unit owners certifying that the required number of unit owners have approved the agreement. As between the affected unit owners and the city or town, the certification shall be conclusive evidence of the authority of the organization of unit owners to enter into the agreement. A notice of the agreement shall be recorded as a betterment in the registry of deeds or registry district of the land court wherein the master deed is recorded and shall be otherwise subject to chapter 80 as provided in this section. The assessment under the agreement may be charged or assessed to the organization of units owners but shall not constitute an assessment of common expenses. Instead, the allocable share of the assessment, prorated on the basis of the percentage interests of the benefited units in the common areas and facilities, shall attach as a lien only to the units identified in the recorded notice and benefited by the project and the owners of those units shall also be personally liable for their allocable share of the assessment as provided for in this section. For the purposes of this paragraph, the terms “common areas and facilities”, “common expenses”, “condominium”, “master deed”, “organization of unit owners”, “units” and “unit owners” shall have the same meanings as ascribed to them in section 1 of said chapter 183A.

(g) The fund administrator shall file annually not later than June 30 a report detailing the amount of money in the fund, loans made and repayments received, and shall also include the types of projects financed. The report shall be filed with the chief executive officer of the city or town, the executive office of administration and finance, the joint committee on municipalities and regional government, the senate and house committees on ways and means and the clerks of the senate and the house of representatives.

SECTION 44. Chapter 53 of the General Laws is hereby amended by inserting after section 18A the following section:-

Section 18B. (a) As used in this section “governing body” shall mean, in a city, the city council or board of aldermen acting with the approval of the mayor subject to the charter of the city, in a town having a town council, the town council, in every other town, the board of selectmen and in a district as provided in sections 113 to 119, inclusive, of chapter 41, the prudential committee, if any, otherwise the commissioners of the district.

(b) The governing body of a city, town or district which accepts this section in the manner provided in section 4 of chapter 4 shall print information relating to each question that shall appear on the city, town or district ballot. The information shall include: (1) the full text of each question; (2) a fair and concise summary of each question, including a 1-sentence statement describing the effect of a yes or no vote, which shall be prepared by the city solicitor, town counsel or counsel for the city, town or district; and (3) arguments for and against each question as provided in subsections (d) and (e). Not later than 7 days before an election at which the question shall be submitted to the voters in a city, town or district, the information in this subsection shall be sent to each household wherein a person whose name appears on the current voting list for the city, town or district resides.

(c) Not later than the day following the date of the determination that a question shall appear on the ballot in an election, the governing body shall provide written notification to the city solicitor or town or district counsel and to the city or town clerk.

(d) Not later than 7 days after the determination that a question shall appear on the ballot, the city solicitor or town or district counsel, as applicable, shall seek written arguments from the principal proponents and opponents of the question. For the purposes of this section, the

principal proponents and opponents of a question shall be those persons determined by the solicitor or counsel to be best able to present the arguments for and against the question. The solicitor or counsel shall provide not less than 7 days' written notice to the opponents and proponents of the date on which the written arguments shall be received. Proponents and opponents shall submit their arguments, which shall be not more than 150 words, to the solicitor or counsel, together with a copy thereof to the city or town clerk or, in a district, to the clerk of each city and town within the district. The arguments and summary shall be submitted by the solicitor or counsel to the governing body not more than 20 days before the election for distribution to voters in accordance with subsection (b). A copy of the arguments and summary shall also be submitted by the solicitor or counsel to the city, town or district clerk.

(e) In determining the principal proponents and opponents of a ballot question, the solicitor or counsel shall contact each ballot question committee, if any, as defined in section 1 of chapter 55. The principal proponents or opponents of a ballot question may include officers of a ballot question committee or officers of a city, town or district office or committee including, but not limited to, a finance committee or a school committee. In addition, the principal proponents or opponents may include the first 10 signers or a majority of the first 10 signers of a petition initiating the placement of such question on the ballot. The solicitor or counsel shall determine, based on a review of arguments received, the person or group best able to present arguments for and against a question. If no argument is received by the solicitor or counsel within the time specified by the solicitor or counsel, the solicitor or counsel shall prepare an argument and submit the argument to the governing body and to the city or town clerk or, in a district, to the clerk of each city and town within the district within the time specified in subsection (d).

(f) All arguments filed or prepared pursuant to this section and the information prepared pursuant to subsection (b), shall be open to public inspection at the office of city or town clerk or, in a district, at the office of the clerk of each city and town within the district. In addition, each city or town clerk shall make such information available to the voters at all polling places within the city, town or district.

SECTION 45. Section 8 of chapter 58 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the second and third paragraphs and inserting in place thereof the following paragraph:-

The commissioner shall make and from time to time revise, rules, regulations and guidelines necessary for establishing an expedited procedure for granting authority to abate taxes, assessments, rates, charges, costs or interest under this section in such cases as he determines are in the public interest and shall from time to time for such periods as he considers appropriate authorize the assessors or the board or officer assessing the tax, assessment, rate or charge to grant these abatements. No abatement authorized by these procedures shall be granted unless the assessors or board or officer shall certify, in writing, under pains and penalties of perjury that the procedures have been followed. The commissioner shall require yearly reports and audits of these abatements by assessors or boards or officers that the commissioner considers necessary to ensure that any authority granted under this paragraph has been properly exercised and shall withdraw this grant of authority to the particular assessors, board or officer upon his written determination that the authority has been improperly exercised. The commissioner may make and from time to time revise, reasonable rules, regulations, and guidelines that he considers necessary to carry out this paragraph.

789 **SECTION 46.** The first paragraph of section 5 of chapter 59 of the General Laws, as
790 amended by section 66 of chapter 25 of the acts of 2009, is hereby further amended by adding
791 the following clause:-

792 Fifty-sixth, Upon the acceptance of this section by a city or town, the board of assessors
793 may grant, real and personal property tax abatement up to 100 per cent of the total tax assessed
794 to members of the Massachusetts National Guard and to reservists on active duty in foreign
795 countries for the fiscal year they performed such service subject to eligibility criteria to be
796 established by the board of assessors. The authority to grant abatements under this act shall
797 expire after 2 years of adoption unless extended by a vote of the city or town.

798 **SECTION 47.** Section 29 of said chapter 59, as appearing in the 2008 Official Edition,
799 is hereby amended by striking out, in line 20, the words “thirty days after the mailing of the tax
800 bills” and inserting in place thereof the following words:- the last day for filing an application for
801 abatement of the tax.

802 **SECTION 48.** Said chapter 59 is hereby further amended by inserting after section 31
803 the following section:-

804 Section 31A. For the purpose of verifying that a person required to file a true list of
805 taxable personal property under section 29 has made a complete and accurate accounting of that
806 property, the assessors may at any time within 3 years after the date the list was due, or within 3
807 years after the date the list was filed, whichever is later, examine the books, papers, records and
808 other data of the person required to file the list. The assessors may compel production of books,
809 papers, records and other data of the person through issuance of a summons served in the same
810 manner as summonses for witnesses in criminal cases issued on behalf of the commonwealth,
811 and all provisions of law relative to summonses in such cases shall, so far as applicable, apply to

812 summonses issued under this section. A justice of the supreme judicial court or of the superior
813 court may, upon the application of the assessors, compel the production of books, papers, records
814 and other data in the same manner and to the same extent as before those courts.

815 **SECTION 49.** Section 32 of said chapter 59, as appearing in the 2008 Official Edition,
816 is hereby amended by striking out the first sentence and inserting in place thereof the following 2
817 sentences:- Lists filed under section 29 and books, papers, records and other data obtained
818 under section 31A shall be open to the inspection of the assessors, the commissioner, the
819 deputies, clerks and assistants of either the assessors or the commissioner and any designated
820 private auditor of the commissioner or the assessors as may have occasion to inspect the lists,
821 books, papers, records and other data in the performance of their official, contractual or
822 designated duties, but so much of the lists, books, papers, records and other data as shows the
823 details of the personal estate shall not be open to any other person except by order of a court.
824 For purposes of this section, a “designated private auditor” shall be an individual, corporation or
825 other legal entity selected by the commissioner or a city or town to value personal property or
826 perform an audit which includes the assessing department of a city or town under any legal
827 authority, including the examination of records pursuant to section 31A, an audit pursuant to
828 sections 40 or 42A of chapter 44 or an investigation pursuant to section 46A of said chapter 44.

829 **SECTION 50.** The second paragraph of section 38D of said chapter 59, as so appearing,
830 is hereby amended by striking the first sentence and inserting in place thereof the following 2
831 sentences:- Failure of an owner or lessee of real property to comply with such request within 60
832 days after it has been made by the board of assessors shall be automatic grounds for dismissal of
833 a filing at the appellate tax board. The appellate tax board and the county commissioners shall
834 not grant extensions for the purposes of extending the filing requirements unless the applicant

was unable to comply with such request for reasons beyond his control or unless he attempted to comply in good faith.

SECTION 51. Said section 38D of said chapter 59, as so appearing, is hereby further amended by striking out the third paragraph and inserting in place thereof the following 2 paragraphs:-

If an owner or lessee of Class one, residential property fails to submit the information within the time and in the form prescribed, the owner shall be assessed an additional penalty for the next ensuing tax year in the amount of \$50 but only if the board of assessors informed the owner or lessee that failure to submit such information would result in the penalty.

If an owner or lessee of Class three, commercial or Class four, industrial property fails to submit the information within the time and in the form prescribed, the owner or lessee shall be assessed an additional penalty for the next ensuing tax year in the amount of \$250 but only if the board of assessors informed the owner or lessee that failure to so submit such information would result in the penalty.

SECTION 52. Said chapter 59 is hereby further amended by inserting after section 42 the following section:-

Section 42A. For the purpose of verifying that an owner of a pipeline or a telephone or telegraph company required to make a return under section 38A or section 41 has made a complete and accurate accounting of the property required to be returned, the commissioner shall have all the powers and remedies provided by said section 31A to assessors of cities and towns. If the commissioner reasonably believes, as a result of an examination of the books, papers, records and other data or otherwise, that taxable personal property for a fiscal year was not valued or was incorrectly valued, the commissioner may, not later than 3 years and 6 months

after the date the return was due or 3 years and 6 months after the date the return was filed, whichever is later, certify an amended valuation to the owner of the pipeline or telephone or telegraph company and to the boards of assessors of the cities and towns wherein the property was subject to taxation for that year. Not later than 2 months after the date of the amended certification, the assessors shall assess and commit to the collector with their warrant for collection an additional tax to the owner of the pipeline or telephone or telegraph company. An owner or company aggrieved by the assessment of the additional tax may, within 1 month after the bill or notice of the additional assessment is first sent, appeal the valuation to the appellate tax board. The appeal shall name as appellees the commissioner and the board of assessors. Except as otherwise provided in this section, the hearing and appeal before the appellate tax board shall proceed in the same manner as an appeal of the valuations originally certified by the commissioner.

SECTION 53. Section 61 of said chapter 59, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 4, the word "twenty-nine", and inserting in place thereof the following words:- 29 and complied with any requests by the assessors to examine books, papers, records and other data under section 31A.

SECTION 54. Said section 61 of said chapter 59, as so appearing, is hereby further amended by striking out, in line 6, the word "twenty-nine", and inserting in place thereof the following words:- 29 or the person has not complied with any requests by the assessors to examine books, papers, records and other data under said section 31A.

SECTION 55. Section 75 of said chapter 59, as so appearing, is hereby amended by striking the first sentence and inserting in place thereof the following 3 sentences:- If a parcel of real property or the personal property of a person has been unintentionally omitted from the

annual assessment of taxes due to a clerical or data processing error or some other good faith reason or, if the personal property of a person was omitted from the annual assessment of taxes but discovered upon an examination of the books, papers, records and other data under section 31A, the assessors shall in accordance with any rules, regulations and guidelines as the commissioner may prescribe, assess such person for such property. Except for personal property found after an examination under said section 31A which shall be made not later than 3 years and 6 months after the date the true list in which such property should have been returned was due or not later than 3 years and 6 months after the date the return was filed, whichever is later, no such assessment shall be made later than June 20 of the taxable year or 90 days after the date on which the tax bills were mailed, whichever is later. The assessors shall annually, not later than June 30 of the taxable year or 100 days after the date on which the tax bills were mailed if mailed after March 22, return to the commissioner a statement showing the amounts of additional taxes so assessed.

SECTION 56. Section 76 of said chapter 59, as so appearing, is hereby amended by inserting after the word “reason”, in line 3, the following words:- or due to discovery upon an examination of the books, papers, records and other data under section 31A that the property was not accurately or properly reported.

SECTION 57. Chapter 60 of the General Laws is hereby amended by striking out section 3A, as so appearing, and inserting in place thereof the following section:-

Section 3A. (a) Each bill or notice shall be in a form approved by the commissioner and shall summarize the deadlines under section 59 of chapter 59 for applying for abatements and exemptions. Each bill or notice shall also have printed on it the last date for the assessed owner to apply for abatement and for exemptions under clauses other than those specifically listed in

said section 59 of said chapter 59. Except in the case of a bill or notice for reassessed taxes under section 77 of said chapter 59, each bill shall also have printed on it the last date on which payment can be made without interest being due. If a bill or notice contains an erroneous payment or abatement application date that is later than the date established under said chapter 59, the date printed on the bill or notice shall be the deadline for payment or for applying for abatement or exemption, but if the error in the date is the wrong year, the due date shall be the day and month as printed on the bill but for the current year. The commissioner may require, with respect to a city or town, that the tax bill or notice include such information as the commissioner may determine to be necessary to notify taxpayers of changes in the assessed valuation of the property. Each bill or notice for real or personal property tax shall have printed thereon in a conspicuous place the tax rate for each class within the town, as determined by the assessors. In addition, each bill or notice for a tax upon real property shall identify each parcel separately assessed by street and number or, if no street number has been assigned, by lot number, name of property or otherwise, shall describe the land, buildings and other things erected on or affixed to the property and shall state for each such parcel the assessed full and fair cash valuation, the classification, the residential or commercial exemption, if applicable, the total taxable valuation and the tax due and payable on such property. If the assessors have granted the owner an exemption under any clause specifically listed in said section 59 of said chapter 59, the bill or notice of such owner may also show the exemption and the tax, as exempted, that is due and payable on such property.

(b) The collector may issue the bill or notice required by section 3 in electronic form, provided that the electronic bill or notice meets the standards set forth in subsection (a). An electronic bill or notice issued shall be under voluntary programs established by the collector,

927 with the approval of the board of selectmen or mayor, as the case may be. No political
928 subdivision shall require a taxpayer to take part in an electronic billing system or program.

929 (c) The collector may include in the envelope or electronic message in which a property
930 tax bill is sent those bills or notices for rates, fees and charges assessed by the city or town for
931 water or sewer use, solid waste disposal or collection or electric, gas or other utility services as
932 may be authorized by ordinance or by-law; provided, however, that the bills or notices shall be
933 separate and distinct from the property tax bills. The ordinance or by-law may authorize the
934 collector, upon vote of any municipal water and sewer commission established by the city or
935 town under chapter 40N or by special act, to include bills or notices for rates, fees or charges
936 assessed by the commission for water or sewer use.

937 (d) The collector may, with the approval of the board of selectmen or mayor, as the case
938 may be, include in the envelope or electronic message in which a property tax bill is sent
939 nonpolitical municipal informational material; provided, however, that if such nonpolitical
940 municipal informational material is mailed, it shall not be included if the material causes an
941 increase in the postage required to mail the tax bill.

942 **SECTION 58.** Section 2 of chapter 60A of the General Laws, as so appearing, is hereby
943 amended by inserting after the word “section”, in line 42, the following words:- and the due date
944 shall be clearly indicated on the tax notice.

945 **SECTION 59.** Section 6 of chapter 70B of the General Laws is hereby amended by
946 inserting after the word “dates”, in line 66, as so appearing, the following words:- or up to 30
947 years if consistent with the guidelines established in section 7 of chapter 44.

SECTION 60. Section 16G½ of chapter 71 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The stabilization fund may be appropriated by vote of two-thirds of all of the members of the regional district school committee for any purpose for which regional school districts may borrow money or for such other district purpose as the director of accounts may approve.

SECTION 61. Section 37 of said chapter 71, as so appearing, is hereby amended by adding the following sentence:- The school committee in each city, town and regional school district may select a superintendent jointly with other school committees and the superintendent shall serve as the superintendent of all of the districts that selected him.

SECTION 62. Section 61 of chapter 71, as so appearing, is hereby amended by adding the following sentence:-

Notwithstanding any provisions of this chapter to the contrary, the school committee of a regional school district may participate in a superintendency union on the same terms and conditions as a school committee of a town.

SECTION 63. Chapter 71B of the General Laws is hereby amended by inserting after section 5A the following section:-

Section 5B. Special education standard tuition and rates for services provided through approved private day or residential schools set by the operational services division shall take effect on October 1 of each fiscal year.

SECTION 64. Subsection (2) of section 44A of chapter 149 of the General Laws, as amended by section 30 of chapter 166 of the acts of 2009, is hereby further amended by striking out paragraphs (A) and (B) and inserting in place thereof the following 2 paragraphs:-

971 (A) Every contract or procurement for the construction, reconstruction, installation,
972 demolition, maintenance or repair of a building by a public agency estimated to cost less than
973 \$10,000, shall be obtained through the exercise of sound business practices; provided, however,
974 that the public agency shall make and keep a record of each such procurement; and provided
975 further, that the record shall, at a minimum, include the name and address of the person from
976 whom the services were procured.

977 (B) Every contract for the construction, reconstruction, installation, demolition,
978 maintenance or repair of any building estimated to cost not less than \$10,000 but not more than
979 \$25,000 shall be awarded to the responsible person offering to perform the contract at the lowest
980 price. The public agency shall make public notification of the contract and shall seek written
981 responses from persons who customarily perform such work. The public notification shall
982 include a scope-of-work statement that defines the work to be performed and provides potential
983 responders with sufficient information regarding the objectives and requirements of the public
984 agency and the time period within which the work shall be completed. For the purposes of this
985 paragraph, "public notification" shall include, but need not be limited to, posting at least 2 weeks
986 before the time specified in the notification for the receipt of responses, the contract and scope-
987 of- work statement on the website of the public agency, on the COMPASS system or in the
988 central register published pursuant to section 20A of chapter 9 and in a conspicuous place in or
989 near the primary office of the public agency.

990 **SECTION 65.** Chapter 200A of the General Laws is hereby amended by striking out
991 section 9A, as appearing in the 2008 Official Edition, and inserting in place thereof the following
992 section:-

993 Section 9A. (a) In any city, town or district that accepts this section in the manner
994 provided in section 4 of chapter 4, there shall be an alternative procedure for disposing of
995 abandoned funds held in the custody of the city, town or district as provided in this section.

996 (b) Any funds held in the custody of a city, town or district may be presumed by the city,
997 town or district treasurer to be abandoned unless claimed by the corporation, organization,
998 beneficiary or person entitled thereto within 1 year after the date prescribed for payment or
999 delivery; provided, however, that the last instrument intended as payment shall bear upon its face
1000 the statement “void if not cashed within 1 year from date of issue”. After the expiration of 1
1001 after the date of issue, the treasurer of a city, town or district may cause the financial institution
1002 upon which the instrument was drawn to stop payment on the instrument or otherwise cause the
1003 financial institution to decline payment on the instrument and any claims made beyond that date
1004 shall only be paid by the city, town or district through the issuance of a new instrument. The
1005 city, town or district and the financial institution shall not be liable for damages, consequential or
1006 otherwise, resulting from a refusal to honor an instrument of a city, town or district submitted for
1007 payment more than a year after its issuance.

1008 (c) The treasurer of a city, town or district holding funds owed to a corporation,
1009 organization, beneficiary or person entitled thereto that are presumed to be abandoned under this
1010 section shall post a notice entitled “Notice of names of persons appearing to be owners of funds
1011 held by (insert city, town or district name), and deemed abandoned”. The notice shall specify the
1012 names of those persons who appear from available information to be entitled to such funds, shall
1013 provide a description of the appropriate method for claiming the funds and shall state a deadline
1014 for those funds to be claimed; provided, however, that the deadline shall not be less than 60 days
1015 after the date the notice was either postmarked or first posted on a website as provided in this

section. The treasurer of the city, town or district may post such notice using either of the following methods: (1) by mailing the notice by first class mail, postage prepaid, to the last known address of the beneficiary or person entitled thereto; or (2) if the city, town or district maintains an official website, by posting the notice conspicuously on the website for not less than 60 days. If the apparent owner fails to respond within 60 days after the mailing or posting of the notice, the treasurer shall cause a notice of the check to be published in a newspaper of general circulation, printed in English, in the county in which the city or town is located.

(d) In the event that funds appearing to be owed to a corporation, organization, beneficiary or person is \$100 or more and the deadline as provided in the notice has passed and no claim for the funds has been made, the treasurer shall cause an additional notice, in substantially the same form as the aforementioned notice, to be published in a newspaper of general circulation in the county in which the city, town or district is located; provided, however, that that the notice shall provide an extended deadline beyond which funds shall not be claimed and such deadline shall be at least 1 year from the date of publication of the notice.

(e) Once the final deadline has passed under subsection (d), the funds owed to the corporation, organization, beneficiary or person entitled thereto shall escheat to the city, town or district and the treasurer thereof shall record the funds as revenue in the General Fund of the city, town or district and the city, town or district shall not be liable to the corporation, organization, beneficiary or person for payment of those funds or for the underlying liability for which the funds were originally intended. Upon escheat, the funds shall be available to the city, town or district's appropriating authority for appropriation for any other public purpose. In addition to the notices required in this section, the treasurer of the city, town or district may initiate any

other notices or communications that are directed in good faith toward making final disbursement of the funds to the corporation, organization, beneficiary or person entitled thereto.

Prior to escheat of the funds, the treasurer of the city, town or district shall hear all claims on funds that may arise and if it is clear, based on a preponderance of the evidence available to the treasurer at the time the claim is made, that the claimant is entitled to disbursement of the funds, the treasurer shall disburse funds to the claimant upon receipt by the treasurer of a written indemnification agreement from the claimant wherein the claimant agrees to hold the city, town or district and the treasurer of the city, town or district harmless in the event it is later determined that the claimant was not entitled to receipt of the funds. If it is not clear, based on a preponderance of the evidence before the treasurer at the time of the claim that the claimant is entitled to disbursement of the funds, the treasurer shall segregate the funds into a separate, interest-bearing account and shall notify the claimant of such action within 10 days. A claimant affected by this action may appeal within 20 days after receiving notice thereof to the district, municipal or superior court in the county in which the city, town or district is located. The claimant shall have a trial de novo. A party adversely affected by a decree or order of the district, municipal or superior court may appeal to the appeals court or the supreme judicial court within 20 days from the date of the decree.

If the validity of the claim shall be determined in favor of the claimant or another party, the treasurer shall disburse funds in accordance with the order of the court, including interest accrued. If the validity of the claim is determined to be not in favor of the claimant or another party or if the treasurer does not receive notice that an appeal has been filed within 1 year from the date the claimant was notified that funds were being withheld, then the funds, plus accrued interest, shall escheat to the city, town or district in the manner provided in this section.

1061 If the claimant is domiciled in another state or country and the city, town or district
1062 determines that there is no reasonable assurance that the claimant will actually receive the
1063 payment provided for in this section in substantially full value, the superior court, in its
1064 discretion or upon a petition by the city, town or district, may order that the city, town or district
1065 retain the funds.

1066 **SECTION 66.** (a) Notwithstanding chapter 32 of the General Laws or any other general
1067 or special law to the contrary, a municipality which accepts this section may establish and
1068 implement an early retirement incentive program for its employees in accordance with this
1069 section. Teachers, as defined by section 1 of said chapter 32, who are members of the teachers'
1070 retirement system or who are members of the State-Boston retirement system, shall not be
1071 considered "employees" for purposes of this section and shall not be eligible to participate in the
1072 municipal early retirement incentive program established under this section.

1073 (b) The chief executive officer of the municipality shall limit the total number of
1074 participating employees, with preference given to those with greater years of creditable service,
1075 and shall determine which eligible municipal employees may participate and shall approve early
1076 retirement benefits for those employees in order to avoid adverse impacts on municipal
1077 operations and services.

1078 (c) In order to be eligible to participate in a program established under this section and in
1079 addition to any other requirements imposed by the municipality, an employee shall be an active
1080 member of a municipal retirement system with at least 20 years of service whose salary is paid
1081 from the operating budget and not from federal, trust or other capital funds.

1082 (d) An employee who is eligible for the early retirement incentive program may request
1083 in an application for retirement that the retirement board credit the employee with an additional

retirement benefit of a combination of years of creditable service and years of age, in full year increments, the sum of which shall not be greater than 3 years, or a lesser amount as established by the municipality, for the purposes of determining the employee's superannuation retirement allowance under paragraph (a) of subdivision (2) of section 5 of chapter 32 of the General Laws. Notwithstanding the credit, the total normal yearly amount of the retirement allowance, as determined in accordance with said section 5 of said chapter 32, of any employee who retires and receives the retirement incentive program benefit shall not exceed 80 per cent of the average annual rate of the employee's regular compensation as determined in accordance with said section 5 of said chapter 32. All participants in the employee retirement system shall agree to forego the right to accrued sick and vacation time and the amount that would have been paid to a retiree for accrued sick and vacation time shall be paid into the municipal retirement system to reduce the additional pension liability resulting from this program.

(e) In filling positions which have been vacated by employees who participate in an early retirement incentive program under this section, the chief executive officer of the municipality shall be limited to paying compensation, contract and professional services in an amount that does not exceed the following percentage of the total annual salary of all participants in the program calculated as of their respective retirement dates: 30 per cent in fiscal year 2011; 45 per cent in fiscal year 2012; and 60 per cent in fiscal year 2013.

(f) A municipality that establishes an early retirement incentive program under this section shall provide the public employee retirement administration commission with information demonstrating the value of the plan and any information requested by the public employee retirement administration commission in order to allow it to evaluate the plan and confirm the analysis, including historic data upon which the plan is based, the elements of the

municipal plan including the total number of participants, the types of eligible employees, the salaries of participating employees, the benefits to be received and the limits on refilling vacated positions. In addition, the municipality shall certify to the public employee retirement administration commission that the present value cost of its plan is estimated to be less than the present value savings and shall provide the commission with all information it requests to evaluate the plan and confirm a cost analysis.

(g) In order to establish an early retirement incentive program under this section, a municipality shall:

(1) require the chief executive officer to submit its plan to the public employee retirement administration commission for approval within 2 months after the effective date of this section;

(2) once the plan has been approved, submit the plan to the legislative body of the municipality for acceptance not later than the next meeting of the legislative body at which the plan can practicably be submitted;

(3) publish and make available to employees the approved plan within 1 month after its acceptance by the legislative body;

(4) require employees to participate within 2 months of the plan's publication;

(5) shall determine which applicants shall be allowed to participate in the program and notify them within 1 month of the application deadline; and

(6) participating employees must retire within 2 months of notification of acceptance.

(h) submit an annual report prepared by the chief executive officer to the public employee retirement administration commission, the executive office for administration and finance and the legislative body; provided, however, that the report shall include the salaries and positions of

participants, the amount of sick and vacation time being contributed by participants, the salaries and positions of those being hired as replacements and whether the positions of participants have been permanently eliminated.

(i) A municipality's increased pension liability resulting from participation in a program established under this section shall be amortized over 10 years, starting in the next fiscal year after all participating employees retire, in equal installments, and shall be separately identified in the municipal retirement system's pension funding schedule.

SECTION 67. Notwithstanding section 31D of chapter 44 of the General Laws or section 23 of chapter 59 of the General Laws or any other general or special law to the contrary, a city or town may amortize over fiscal years 2011 and 2012, in equal installments, or more rapidly, an amount of its fiscal year 2010 snow and ice deficit. The local appropriating authority, as defined in section 21C of said chapter 59, shall adopt a deficit amortization schedule before the setting of the fiscal year 2011 municipal tax rate, consistent with the first sentence of this section. The commissioner of revenue may issue guidelines or instructions for reporting the amortization of deficits authorized by this section. No city or town amortizing snow and ice deficits under this section shall receive any funds from the General Fund, not including the distribution to cities and towns of the balance of the State Lottery Fund, as paid from the General Fund in accordance with clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws, that may be used to contribute to the amortization schedule established under this section.

SECTION 68. Notwithstanding chapters 82 and 82A of the General Laws or any other general or special law or rule or regulation to the contrary, a contractor shall not be required to apply for a permit if the sole reason for requiring the permit is to ensure that no trench is left

open at the conclusion of the contractor's work day; provided, however, this exception from the permit requirement shall only apply if the contractor excavates, completes construction and backfills and grades the premises on the same day. A violation of this section shall be punishable by a fine not to exceed \$2,500 per day for each day that the violation continues and payable to the state department of public works or the municipality's department of public works, as applicable.

SECTION 69. (a) The terms used in this section shall have the following meanings unless the context clearly requires otherwise:

"Amnesty period", a period of time commencing not earlier than the date a local legislative body establishes a municipal tax amnesty program according to this act and expiring not later than June 30 2011, as the local legislative body might determine, during which the municipal tax amnesty program established by the local legislative body shall be in effect in that city or town.

"Collector", a person receiving a tax list and a warrant to collect the same.

"Covered amount", the aggregate of all penalties, fees, charges and accrued interest assessed by the collector or treasurer for the failure of a certain taxpayer to timely pay a subject liability; provided, however, that the covered amount shall not include the subject liability itself.

"Municipal tax amnesty program", a temporary policy by a city or town to forever waive its right to collect all or any uniform proportion of the covered amount, as determined by the local legislative body, then due from any person who, prior to the expiration of the amnesty period, voluntarily pays the collector or treasurer the full amount of the subject liability that serves as the basis for the covered amount; provided, however, that a municipal tax amnesty program shall not include a policy that enables or requires a city or town to waive its right to

collect the covered amount from a person who, at the time of commencement of the amnesty period is or was the subject of a criminal investigation or prosecution for failure to pay the city or town any subject liability or covered amount.

“Subject liability”, the principal amount of a particular tax or excise liability payable by a taxpayer under chapter 59, 60, 60A or 60B of the General Laws, as determined by the local legislative body.

“Treasurer”, as described in chapter 41 of the General Laws.

(b) Notwithstanding any general or special law to the contrary, the municipal legislative body in any city or town may vote to establish a municipal tax amnesty program according to the provisions of this section and shall, at the same time as such vote, determine the amnesty period. Tax amnesty periods shall not extend beyond June 30, 2011. The commissioner of revenue may issue such guidelines as he deems appropriate to carry out this section.

SECTION 70. The Massachusetts cultural council, in cooperation with the executive branch, constitutional offices, quasi-governmental agencies and the joint committee on tourism, arts and cultural development, shall identify state incentives and resources to enhance cultural districts pursuant to section 52A of chapter 10 of the General Laws and shall report its findings and recommendations, if any, together with drafts of legislation necessary to carry those recommendations into effect by filing the same with the clerk of the senate and house of representatives not later than January 1, 2011.

SECTION 71. The first actuarial valuation to be conducted pursuant to the second paragraph of paragraph (f) of subdivision (3) of section 21 chapter 32 of the General Laws, as appearing in section 21, shall be completed by January 1, 2011, or by January 1 of the third year following the last actuarial valuation of the system, whichever first occurs.

SECTION 72. In order to qualify for a loan available under section 53E3/4 of chapter 44 of the General Laws, an energy audit of the property pursuant to subsection (d) of said section 53E3/4 of said chapter 44 shall have been conducted on or after July 2, 2008

SECTION 73. Notwithstanding any general or special law to the contrary and except as expressly provided otherwise, sections 14, 18 and 20 shall apply only to employees who become members of a retirement system after January 1, 2011, sections 16 and 17 shall apply only to repayments and purchases of creditable service after January 1, 2011, and sections 19 and 26 shall apply only to employees that are members of retirement systems who retire after January 1, 2011.

SECTION 74. Notwithstanding any general or special law to the contrary and except as expressly provided otherwise, subsection (a) of section 4E1/2 of chapter 40 of the General Laws shall not be subject to subsection (c) of section 1 of chapter 30B of the General Laws or section 22A of chapter 7 of the General Laws for a period not to exceed 2 years after the effective date of this act.